

BB3 23 50. The compressed solid dosage form according to claim 28 wherein the accelerated release constitutes about 90% release within a 5 minute period.

BB3 24 51. The compressed solid dosage form according to claim 33 wherein the accelerated release constitutes about 90% release within a 5 minute period.

REMARKS

Claims 28-49 are pending in this application. Claims 29 and 34 have been amended. New claims 50 and 51 have been added.

Claims 29 and 34 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. These claims have now been amended to remove the phrase "more particularly a five minute" and new claims 50 and 51 with this limitation have been added in order to overcome this rejection.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

The following claims been rejected under the judicially created doctrine of obviousness-type double patenting over claims of U.S. Patent No. 6,294, 197 as indicated below:

<u>Claims Instant Application</u>	<u>Claims U.S. Patent No. 6,294,197</u>
28, 30	1
33, 35, 38, 40	7, 8, 12, 13
42, 43, 46, 47	26, 52
44, 45, 48, 49	37, 53

In response, Applicants herewith submit a terminal disclaimer in compliance with 37 C.F.R. 1.321 (c) in order to obviate this rejection. A copy of the terminal disclaimer is appended and the original terminal disclaimer is concurrently filed separately.

Claims 28, 31 and 32 have been rejected under 35 U.S.C. 103(a) as being prima facie obvious and thus unpatentable over DeGasparo et al. (WO 95/24901, hereafter "De Gasparo").